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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,007	01/21/2004	Asif Hossain	555255012688	4523

43563 7590 04/06/2006

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EXAMINER	
EKONG, EMEM	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,007	HOSSAIN ET AL.	
	Examiner	Art Unit	
	EMEM EKONG	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3-9,11-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/30/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-9, 12, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Application Number WO 94/28687 to Anthony Charles Yarwood in view of Japanese Patent No. JP 2001-309427 to Jae

Regarding claim 1, Yarwood discloses a method of enhancing the probability of a successful emergency call completion on a mobile station in a network (page 2 line 1- page 3 line 3, and page 4 line 35- page 5 line 11).

However, Yarwood fails to disclose comprising the steps of during an emergency call attempt, monitoring whether the mobile station has received a non-voice service request from the network and, if yes, ignoring said non-voice service request.

Jae discloses monitoring whether the mobile station has received a non-voice service request from the network and, if yes, ignoring said non-voice service request said step of ignoring said non-voice service request includes blocking an acknowledgement message from the mobile station to the network (pars. 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yarwood, by monitoring whether the mobile station has received a non-voice service request from the network and, if yes, ignoring said non-voice service request said step of ignoring said non-voice service request includes blocking an acknowledgement message from the mobile station to the network as disclosed by Jae for the purpose of prevent leakage of information.

Regarding claim 3, the combination of Yarwood and Jae discloses the method of claim 1, further comprising the steps of: at the start of an emergency call attempt, checking whether the mobile station is already communicating with the network, and if yes, ending the communication with the network (Yarwood, page 8 lines 1-12).

Regarding claim 4, the combination of Yarwood and Jae discloses the method of claim 3, further comprising the steps of: if said communication with the network is ended, attempting to acquire a network for the emergency call attempt (Yarwood, page 8 lines 1-10).

Regarding claim 5, the combination of Yarwood and Jae discloses the method of claim 4, wherein said step of attempting to acquire a network includes periodically attempting to reacquire said network that communication was ended with (Yarwood, page 8 line 8-page 9 line 7).

Regarding claim 6, the combination of Yarwood and Jae discloses the method of claim 1, wherein the mobile station is allowed to acquire any network regardless of whether the network is preferred (Yarwood, page 8 line 31- page 9 line 7, and page 12 lines 6-16).

Regarding claim 7, the combination of Yarwood and Jae discloses the method of claim 6, wherein said mobile station can acquire a network even if a subscriber identity

module or a removable user identity module is not present (Yarwood, page 9 lines 3-24).

Regarding claim 8, the combination of Yarwood and Jae discloses the method of claim 1, further comprising the steps of: sending an emergency call request to the network (page 10 line 30); checking whether the emergency call request was successful (page 11 lines 2-6); if said emergency call request was unsuccessful, checking whether the user aborted the emergency call request; and if said user did not abort said emergency call request, attempting to acquire a new system (Yarwood, page 8 line 1-page 2, page 11 lines 11-26, and page 12 lines10 - page 13 line 6).

Regarding claims 9, Yarwood discloses a method of enhancing the probability of a successful emergency callback to a mobile station in a network from an emergency service centre, the method comprising the steps of (page 2 line 1-page 3 line 3, and page 4 line 35- page 5 line 11).

However, Yarwood fails to disclose during a callback period, monitoring whether the mobile station has received a service request from the network and, if yes, ignoring said service request if said service request is a non-voice service request that is anything but a position location service request, said step of ignoring said service request includes blocking an acknowledgement message from the mobile station to the network.

Jae discloses ignoring said service request if said service request is a non-voice service request that is anything but a position location service request, said step of ignoring said service request includes blocking an acknowledgement message from the mobile station to the network (pars. 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yarwood, by ignoring said service request if said service request is a non-voice service request that is anything but a position location service request, said step of ignoring said service request includes blocking an acknowledgement message from the mobile station to the network as disclosed by Jae for the purpose of prevent leakage of information.

Regarding claim 12, Yarwood discloses a method of enhancing the probability of a successful emergency callback to a mobile station in a network from an emergency service centre.

Yarwood fails to disclose the method comprising the steps of: during a callback period, monitoring whether a user attempts to initiate a non-voice service request that is anything but a position location service request, and if yes ignoring said non-voice service request.

Jae discloses the method comprising the steps of: during a callback period, monitoring whether a user attempts to initiate a non-voice service request that is anything but a position location service request, and if yes ignoring said non-voice service request (pars. 0001-0018, 0019-0026, and 0036).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yarwood, whether a user attempts to initiate a non-voice service request that is anything but a position location service request, and if yes ignoring said non-voice service request as disclosed by Jae for the purpose of enhancing emergency communication.

Regarding claim 13, the combination of Yarwood and Jae discloses the method of claim 12, further comprising the steps of: checking whether said network allows non-emergency voice or position location services, and if not, prompting whether a user wants to exit said callback period (Yarwood, page 4 lines 20-28).

Regarding claim 15, Yarwood discloses a mobile station for enhancing the probability of successful emergency call completion to a network and successful callback from emergency service centre (i.e. dispatcher, ES), the mobile station comprising (page 1 line 1-page 3 line 3, page 4 line 35- page 5 line 37):

a communications subsystem (means), said communications subsystem including a receiver a transmitter and a digital signal processor (see figure 1);

a microprocessor (means) communicating with said digital signal processor of said communications subsystem; user input and output means communicating with said microprocessor (see figure 1, page 5 line 1-page 6 line 4);

memory (means) communicating with said microprocessor; and an emergency service module, said emergency service module communicating with both said digital

signal processor and said microprocessor (see figure 1, page 5 line 25- page 6 line 4, page 7 lines 23-25, and page 8 lines 1-15).

However, Yarwood fails to disclose wherein during an emergency call attempt or callback said emergency service module directs said microprocessor to ignore non-voice requests from said network.

Yae discloses ignoring non-voice requests from said network (pars. 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yarwood, by ignoring non-voice requests from said network as disclosed by Jae for the purpose of communicating information.

Regarding claim 16, the combination of Yarwood and Jae discloses the mobile station of claim 15, wherein said emergency service module (means) further directs said microprocessor to drop existing network communications during said emergency call attempt (page 5 line 25- page 6 line 4, page 8 lines 1-15, page 11 line 17- page 12 line 3, and page 14 lines 11-25, claim 17).

Regarding claim 17, the combination of Yarwood and Jae discloses the mobile station of claim 16, wherein said emergency service module (means) further directs said microprocessor to block any user initiated, non-position location service requests from a user during a callback period (page 5 line 25- page 6 line 4, and page 8 lines 1-30).

Regarding claim 18, the combination of Yarwood and Jae discloses the mobile

station of claim 15, further comprising a subscriber identity module/removable user identity module interface (page 9 lines 8-24).

Regarding claim 19, the combination of Yarwood and Jae discloses the mobile station of claim 18, wherein said mobile station can acquire a network during an emergency call attempt without a subscriber identity module or a removable user identity module present in said subscriber identity module/removable user identity module interface (page 12 lines 10-33).

4. Claims 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood in view of Yae, and further in view of U. S. Publication No. 2004/0203572 A1 to Aerrabotu et al..

Regarding claims 11 and 14, the combination of Yarwood and Jae discloses the method of claims 9 and 12, wherein said method further includes the steps of: setting up a call for a voice service request or a non-voice position location service request; ending said call (page 4 lines 1-28, and page 7 lines 18-36).

However, the combination fails to disclose checking whether a callback timer has expired, and if so entering a regular mode.

Aerrabotu et al. discloses checking whether a callback timer has expired, and if so entering a regular mode (par. 13, and 17-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the emergency callback method of Aerrabotu et al. with

the emergency call completion of Yarwood for the purpose of entering a regular mode after callback timer has expired.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to method:

U.S. Pat. No. 5442805 to Sagers et al.

U.S. Pub. No. 2003/0060198 A1 to Li

U.S. Pat. No. 6522877 B1 to Lietsalmi et al.

U.S. Pub. No. 2003/0078029 A1 to Petite.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOE
3/07/06

NICK CORSARO
PRIMARY EXAMINER